

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In the Matter of:
CITY OF DETROIT, MICHIGAN,) Case No: 13-53846-swr
Debtor)
) Chapter 9
)
) Hon. Steven W. Rhodes

**NOTICE OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND TO
WAIVE PROVISIONS OF F.R.Bankr.P. 4001(a)(3)**

Clifford Properties, Inc. has filed papers with the Court for entry of an order for relief from the Automatic Stay and to waive the provisions of F.R.Bankr.P. 4001(a)(3)..

Your rights may be affected. You should read these papers carefully and discuss them with your attorney. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to enter an order granting Debtor the requested relief, or if you want the Court to consider your view on the Motion, within (14) fourteen days from the date of service of this Notice and Motion, you or your attorney must:

1. File with the Court a written response or an answer, explaining your position, at:¹

United States Bankruptcy Court
211 West Fort Street, Suite 2100
Detroit, MI 48226

If you mail your response to the Court for filing, you must mail it early enough so that the Court will **receive** it on or before the date stated above.

You must also mail a copy to:

FLG, PLLC
Attn: Michael A. Greiner
29601 Hoover
Warren, MI 48093

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with notice of the date, time and location of that

¹ Response or answer must comply with F.R. Civ.P. 8(b), (c) and (e)

hearing.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Respectfully Submitted,

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Dated: September 30, 2013

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In the Matter of:
CITY OF DETROIT, MICHIGAN,) Case No: 13-53846-swr
Debtor)
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**MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND TO WAIVE
PROVISIONS OF F.R.Bankr.P. 4001(a)(3) FILED BY CLIFFORD PROPERTIES, INC.**

NOW COMES CLIFFORD PROPERTIES, INC., a commercial property-owner in the City of Detroit, Michigan, by and through counsel, and for this motion for Relief from the Automatic Stay and to Waive Provisions of F.R.Bankr.P. 4001(a)(3), states as follows:

1. Debtor filed for Chapter 9 Bankruptcy on July 18, 2013.
2. The Movant, Clifford Properties, Inc., is the owner of a piece of commercial property located in the City of Detroit, Michigan at 2482 Clifford.
3. There are various liens outstanding on this property according to the Wayne County Register of Deeds.
4. Movant wishes to resolve the actual ownership of the subject real property through a quiet title action filed in Wayne County Circuit Court.
5. Debtor is only a named defendant in this lawsuit due to the fact that the real property is located in the City of Detroit.
6. Movant seeks only declarative and injunctive relief with its action. It is not seeking a money judgment against any party.
7. This property has no value to the Bankruptcy estate and it is not necessary for an effective reorganization.
8. Movant's counsel has requested concurrence in this Motion from Debtor's counsel. Concurrence has not been granted.

9. Given the above facts, CLIFFORD PROPERTIES, INC. asserts that there is cause to grant it relief from the Automatic Stay pursuant to 11 U.S.C. §362.
10. Movant further asserts that there is cause to waive the stay of this Order pursuant to F.R.Bankr.P. 4001(a)(3).

WHEREFORE, CLIFFORD PROPERTIES, INC. requests that this honorable Court enter an order for relief from the Automatic Stay and to waive the stay of order pursuant to F.R.Bankr.P. 4001(a)(3) to allow it to proceed with its quiet title action in Wayne County Circuit Court related to the real property located at 2482 Clifford, Detroit, Michigan in the form attached as Exhibit A.

Respectfully Submitted,

/s/ Michael A. Greiner
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Dated: September 30, 2013

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In the Matter of:
CITY OF DETROIT, MICHIGAN,) Case No: 13-53846-swr
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) Hon. Steven W. Rhodes

**ORDER GRANTING MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND
TO WAIVE PROVISIONS OF F.R.Bankr.P. 4001(a)(3) FILED BY CLIFFORD
PROPERTIES, INC.**

This matter having come before the Court on the Motion for Relief from the Automatic Stay and to Waive Provisions of F.R.Bankr.P. 4001(a)(3) filed by CLIFFORD PROPERTIES, INC., all interested parties having been served with notice of the motion, no objections having been received, or in the alternative a hearing having been held, and the Court being otherwise sufficiently advised in the premises:

IT IS ORDERED that relief from the Automatic Stay is hereby granted to CLIFFORD PROPERTIES, INC. to allow it to proceed with quiet title action in Wayne County Circuit Court related to the real property located at 2482 Clifford, Detroit, Michigan.

IT IS FURTHER ORDERED that the stay of order pursuant to F.R.Bankr.P. 4001(a)(3) is hereby waived and as a result CLIFFORD PROPERTIES, INC. may immediately proceed with its quiet title action in Wayne County Circuit Court related to the real property located at 2482 Clifford, Detroit, Michigan.

IT IS FURTHER ORDERED that this Order in no way permits CLIFFORD PROPERTIES, INC. to pursue a money judgment against Debtor.

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In the Matter of:) Case No: 13-53846-swr
CITY OF DETROIT, MICHIGAN,)
Debtor) Chapter 9
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CERTIFICATE OF SERVICE

Counsel for CLIFFORD PROPERTIES, INC. certifies that on September 30, 2013, he caused the documents listed below to be served on all parties listed below and that he served such documents either electronically through the ECF system, or mailed through the United States Postal Service, first class, postage pre-paid.

DOCUMENTS SERVED

- *Motion for Relief from the Automatic Stay and to Waive Provisions of F.R.Bankr.P. 4001(a)(3) filed by CLIFFORD PROPERTIES, INC.,*
- *Notice of Motion,*
- *Proposed Order, and this*
- *Certificate of Service*

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